

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

---

)  
) 03 MDL No. 1570 (RCC)  
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT  
IN SUPPORT OF DEFENDANT SAUDI ARABIAN RED CRESCENT SOCIETY'S  
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to the Saudi Arabian Red Crescent Society ("Saudi Red Crescent"). I submit this declaration to transmit to the Court the following documents submitted in support of the Saudi Red Crescent's motion to dismiss (April 9, 2004), and its reply brief submitted in support of its motion to dismiss (July 30, 2004):

1. Exhibit 1 to the Saudi Red Crescent's motion to dismiss is a copy of the Declaration of Abdul Rahman Al Swailem, submitted on behalf of the Saudi Red Crescent (April 2, 2004).

2. Exhibit 2 to the Saudi Red Crescent's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to the Saudi Red Crescent's reply brief is a copy of U.S. Department of the Treasury, "Treasury Department Statement on the Designation of Wa'el Hamza Julidan,"

online at <http://www.treas.gov/press/releases/po3397.htm> (Sept. 6, 2002).

4. Exhibit 2 to the Saudi Red Crescent's reply brief is a copy of the English court decision in Mahfouz v. Brisard, [2004] EWHC 1735 (Q.B. Jul. 1, 2004).

5. Exhibit 3 to the Saudi Red Crescent's reply brief is a copy of excerpts of the transcript of the Motions Hearing held on June 24, 2003, before Judge Robertson, in Burnett, et al. v. Al Baraka Invest. & Devel. Corp., et al., No. 02-CV-1616 (JR) (D.D.C.).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 30, 2004.

/s/ Alan R. Kabat

---

ALAN R. KABAT